

# **Exhibit 59**

## **Jacob Nocon Deposition Excerpts**



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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TESLA, INC., a Delaware  
Corporation,

Plaintiff,

vs.

Case No: 3:18-cv-00296-LRH-CBC

MARTIN TRIPP, an individual,

Defendant.

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MARTIN TRIPP, an individual,

Counterclaimant,

vs.

TESLA, INC., a Delaware  
Corporation,

Counterdefendant.

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**VIDEOTAPED DEPOSITION OF**

**JACOB NOCON**

**TAKEN ON  
FRIDAY, MAY 17, 2019  
9:01 A.M.**

**COURTYARD CONFERENCE CENTER  
FOUR SEASONS CONFERENCE ROOM  
4320 EL CAMINO REAL  
PALO ALTO, CALIFORNIA 94022  
MSJ\_671**

1 Q. Anything -- and I appreciate that you  
2 didn't draft the complaint, but I'm trying to  
3 reconcile your investigation with the allegations in  
4 the complaint.

5 A. Sure.

6 Q. Anything else that you can think of that  
7 paragraph 14 might be referring to other than those  
8 SQL queries?

9 MS. LIBEU: Objection to the extent it  
10 calls for speculation, but you can answer.

11 THE WITNESS: Yeah. I can't think of  
12 anything, but I'm not sure.

13 Q. BY MR. FISCHBACH: Okay. Thank you.

14 It says, "Tripp admitted to writing  
15 software that hacked Tesla's MOS."

16 Did Mr. Tripp have access to the MOS?

17 A. My understanding is that as part of his  
18 job function, he did have access to MOS, and part of  
19 his job was to write queries in order to extract  
20 information.

21 Q. Because when I see the word "hacked"  
22 there, it has certain connotations to it.

23 A. Sure.

24 Q. Based on your investigation, did Mr. Tripp  
25 access portions of the MOS system that were, you

1 **know, beyond his authority?**

2 **MS. LIBEU:** Objection to the preamble to  
3 the question, but you can go ahead and answer.

4 **THE WITNESS:** So I'm not sure, because I  
5 don't know exactly what he was able to or supposed  
6 to be doing within his job function.

7 That said, I know that part of the query  
8 that he was running was looking for different parts  
9 throughout the factory. Some of those parts he was  
10 either not working on at the time, so it would have  
11 exceeded what he needed for his actual job.

12 **Q. BY MR. FISCHBACH:** But other than that,  
13 other than him making inquiries are into areas or  
14 systems of the Gigafactory that -- not -- not  
15 pertinent to his particular job description, can you  
16 think of anything else that would fall into this  
17 category of him hacking Tesla's MOS?

18 **A.** I don't believe that we uncovered anything  
19 else.

20 **Q.** Did you uncover any instances of him using  
21 somebody else's credentials to access the MOS?

22 **A.** I would say that we're still not sure  
23 about that.

24 Again, I'm not the computer expert, but  
25 based on what was found by some of my colleagues,

CERTIFICATE

I, Carli McKenny, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 3rd day of June, 2019.

A handwritten signature in dark ink, appearing to read 'Carli McKenny', is written over a horizontal line.

Carli McKenny